

## REMARKS

In the Office communication, the Examiner states that the Applicant's response filed on July 15, 2004 was non-responsive as "[a]ll claims do not read on FIG. 1." The Applicant believes it has addressed the Examiner's objection as discussed below.


### *Election/Restriction*

The Applicant is unclear as to which claims do not read on FIG. 1. Nonetheless, the Applicant elects the following claims for prosecution, all of which it believes all read on the elected species represented by FIG. 1 -- a radially polarized insertable device that utilizes a stationary power source. Claims 1-7, 12, 14, 15, 17 - 19, 21 - 24 are all readable on this species. Applicant has removed previously elected claim 16, which includes a mobile power source. The Applicant's election is made with traverse.

The Applicant appreciates the Examiner's apparent agreement that claim 1 is generic. Should the Examiner have any questions or concerns on the foregoing, she is invited to contact the Applicant's representative via telephone to discuss the matter.

No fees are considered to be due; however, if it is determined that payment of a fee is required, please charge our Deposit Account No. 13-0235.

Respectfully submitted,

By   
Kevin H. Vanderleeden, Esq.  
Registration No. 51,096  
Attorney for Applicant(s)

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-4102  
Tel: (860) 549-5290  
Fax: (413) 733-4543